

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BENJAMIN SMITH,

Case No. 3:21-cv-00282-MMD-CLB

Plaintiff,

TRANSFER ORDER

KROUT WILLIAM, *et al.*,

Defendants.

11 Plaintiff Benjamin Smith, a *pro se* inmate housed at the Washoe County Detention
12 Facility in Reno, Nevada, has submitted an application to proceed *in forma pauperis* and
13 a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF Nos. 1, 1-1.) Smith sues
14 various defendants for events that took place while he was in San Diego, California. (ECF
15 No. 1-1.) All the defendants reside in Southern California. (*Id.*)

16 Pursuant to 28 U.S.C. § 1391(b), a plaintiff may bring an action in:

17 (1) a judicial district in which any defendant resides, if all defendants are
18 residents of the State in which the district is located; (2) a judicial district in
19 which a substantial part of the events or omissions giving rise to the claim
20 occurred, or a substantial part of property that is the subject of the action is
situated; or (3) if there is no district in which an action may otherwise be
brought as provided in this section, any judicial district in which any
defendant is subject to the court's personal jurisdiction with respect to such
action.

22 28 U.S.C. § 1391(b)(1)-(3). Pursuant to 28 U.S.C. § 1406, if a case has been filed in the
23 wrong district or division, the district court in which the case has been incorrectly filed may
24 “transfer such case to any district or division in which it could have been brought.” 28
25 U.S.C. § 1406(a).

26 The Court finds that the District of Nevada is not the appropriate venue for this
27 action because the events occurred in San Diego County, California, and the defendants
28 reside in Southern California. San Diego County is in the Southern District of California.

1 The Court directs the Clerk of the Court to transfer this action to the United States District
2 Court for the Southern District of California. This Court offers no opinion on the merits of
3 this action or on the application to proceed *in forma pauperis*.

4 For the foregoing reasons, the Clerk of the Court is directed to transfer this case
5 to the United States District Court for Southern District of California.

6 The Clerk of the Court is further directed to close the case in this Court.

7 DATED THIS 25th Day of June 2021.

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11 MIRANDA M. DU
12 CHIEF UNITED STATES DISTRICT JUDGE
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